

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEROME A. DAVID,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-20-45-SLP
	)	
STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

**ORDER**


Before the Court is the Report and Recommendation of United States Magistrate Shon T. Erwin entered February 10, 2020 [Doc. No. 5]. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is ADOPTED in its entirety and this matter is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. A COA may issue only upon “a substantial showing of the denial of a constitutional right.” *See* 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *see also Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Upon consideration, the Court finds the requisite standard is not met in this case. Therefore, a COA is denied.

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IT IS SO ORDERED this 9<sup>th</sup> day of March, 2020.

  
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**SCOTT L. PALK**  
**UNITED STATES DISTRICT JUDGE**

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